

REMARKS

This response is in reply to the Final Office Action of June 26, 2007. Claims 1-16 are currently pending in the application and stand rejected. In the Office Action, Claims 1-16 stand rejected under 35 U.S.C. §103 as obvious. In response, Applicants amend Claim 13. The amendment does not add new matter. In view of the amendment and for the following reasons, Applicant respectfully requests that the basis for the rejection be reconsidered and the rejection withdrawn.

In the Office Action, Claims 1-8, 10, 12-14 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,070,623 to *Aneas* in view of U.S. Patent 5,735,841 to *Bourguignon et al.* Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest every element of the present claims as required to establish a *prima facie* case of obviousness.

Of the rejected claims, only Claims 1, 12 and 13 are independent. Independent Claims 1 and 12 recite, in relevant part, a connection device mounted on said recipient, the connection device comprising a base adapted to be mounted on said recipient and comprising a sleeve forming an inner bore (A), and a plunger adapted to slide in said bore, between a first position disengaged with respect to said stopper and a second so-called position of transfer, in which a hollow needle belonging to said plunger, traverses said stopper, wherein said needle presents a non-circular outer cross-section, while said sleeve presents a likewise non-circular inner cross-section, the outer section of said needle and inner section of said sleeve being such that said needle can slide in said sleeve, without the possibility of rotation of said needle in said sleeve, and an edge of said sleeve opposite said stopper is provided with stop means adapted to cooperate with a complementary means provided on said plunger to lock it in position of transfer.

Independent Claim 13 recites, in part, a connection device for connecting a closed recipient and a container, the closed recipient comprising a neck having an opening closed by a stopper, the connection device comprising a base configured to be mounted on the recipient and having a sleeve forming an inner bore; a plunger having a hollow needle and a flange, the plunger adapted to slide in said bore between a first position disengaged with respect to said stopper, and a second position, wherein the hollow needle traverses said stopper and wherein the flange is located outside said sleeve when the plunger is in a first position. This amendment is

supported in the specification at paragraphs 29 and 34 and Figures 2, 5 and 6, for example. Applicants respectfully submit that the cited references, even if combinable, fail to disclose or suggest every element of the present claims.

With regard to independent Claims 1 and 12, the primary reference, *Aneas*, is structurally distinguishable and operates in a different manner than does the present invention. Among other things, the primary reference does not disclose an edge of said sleeve opposite said stopper provided with stop means adapted to cooperate with a complementary means provided on said plunger to lock it in position of transfer. Rather, in the primary reference the edge of sleeve 12 opposite the stopper is above the collar 5c and the means for stopping the plunger and could not serve to stop the plunger even if it had a stopping means, which it does not. Sleeve 12 extends approximately from the bottom part of the stopper 3, farthest from the perforating means 5a, to a point above the top edge of faucet 6. Both edges in the primary reference lack a stop means.

The Office action took the position that the application fails to identify whether the stop means are disposed toward or away from the stopper, and that the only disclosure is to an edge opposite the stopper having the stop means. Regardless, the primary reference lacks a sleeve edge having a stop means, the stop means is not at an edge but is intermediate between the edges. Thus, the edge having a stop means of the present invention distinguishes over the primary reference.

With regard to amended independent Claim 13, the primary reference lacks a plunger having a hollow needle and a flange, the plunger adapted to slide in said bore between a first position disengaged with respect to said stopper, and a second position, wherein the hollow needle traverses said stopper and wherein the flange is located outside said sleeve when the plunger is in a first position. Instead, the primary reference does not include a flange outside a sleeve because there is no space for a flange outside sleeve 12. As discussed previously, sleeve 12 extends from beyond faucet 6 all the way to the bottom of stopper 3b. Therefore, even if *Aneas* teaches a flange on its plunger 15, that flange would have to be within the area defined by the sleeve 12.

Applicants respectfully submit that *Bourguignon et al.* fails to remedy the deficiencies of *Aneas* so as to make the present invention obvious. The Office action relies on *Bourguignon et al.* as disclosing a needle having a non-circular cross section. However, *Bourguignon et al.*

lacks an edge of said sleeve opposite said stopper provided with stop means adapted to cooperate with a complementary means provided on said plunger to lock it in position of transfer as required, in part, by Claims 1 and 12 and (b) a plunger having a hollow needle and a flange, the plunger adapted to slide in said bore between a first position disengaged with respect to said stopper, and a second position, wherein the hollow needle traverses said stopper and wherein the flange is located outside said sleeve when the plunger is in a first position as required, in part, by amended Claim 13. Therefore, *Bourguignon et al.* is far removed from the present claims and does not remedy the deficiencies present in *Aneas*.

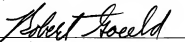
Applicants respectfully submit that independent claims 1, 12 and 13 are allowable over the cited references, at least for the reasons given above. Similarly, Claims 2-11 and 14-16 that depend from Claims 1 and 12, respectively, are allowable for at least the same reasons. Consequently, the Applicants request that the rejections be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. If there are any additional fees that are due in connection with this application as a whole, the Commissioner is authorized to deduct those fees from Deposit Account No. 02-1818. If such a deduction is made, please indicate Attorney Docket No. 112713-1346 on the account statement.

Respectfully submitted,

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